

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN SENATE JUNE 6, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2549**

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**Introduced by Committee on Water, Parks, and Wildlife (Assembly Members Levine (Chair), Bigelow, Dodd, Cristina Garcia, Gomez, Harper, Lopez, Medina, Salas, and Williams)**

February 19, 2016

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An act to amend Section 2301 of, and to amend and repeal Sections 2074.2, 2074.6, 2074.8, and 2075.5 of, the Fish and Game Code, and to amend Sections 5002.2, 5009.1, ~~5010.6, and 5080.31~~ *and 5010.6* of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2549, as amended, Committee on Water, Parks, and Wildlife. Public resources.

(1) The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and requires the Department of Fish and Wildlife to recommend, and the commission to adopt, criteria for determining if a species is endangered or threatened. Under the act, an interested person may petition the commission to add a species to, or remove a species from, either the list of endangered species or the list of threatened species, and existing law requires the commission to consider the petition at a meeting, as prescribed. Existing law, until January 1, 2017, establishes additional procedures for the review of a petition, including public hearings and public comment.

This bill would extend those *additional* procedures indefinitely.

(2) Existing law generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, and authorizes the Director of Fish and Wildlife or his or her designee to engage in various enforcement activities. Existing law provides that a person who violates or resists, delays, obstructs, or interferes with the implementation of these provisions is subject to a penalty, in an amount not to exceed \$1,000, that is imposed administratively by the department. Existing law exempts certain entities from enforcement activities, or from civil or criminal liability, under prescribed circumstances. These provisions are repealed on January 1, 2017.

This bill would extend these provisions to January 1, 2020.

Under existing law, a violation of these provisions is a crime. By extending the operation of these provisions, this bill would impose a state-mandated local program.

(3) Existing law authorizes the Department of Parks and Recreation to enter into an agreement to accept funds from any person, educational institution, tribal government, corporation, or other business entity or organization for the maintenance, operation, restoration, repair, development, improvement, or enhancement of a designated state park system unit or facility, or for research, educational, interpretive, recreational, or visitor services provided on or for a designated state park system unit or facility, and requires that any funds so received be deposited in a separate account in the State Park Contingent Fund.

This bill would require the department, for each ~~donation received~~ *agreement entered into* pursuant to those provisions, to provide ~~the donor of record~~ a written ~~quarterly~~ accounting of all expenditures made from the donated funds, as specified.

(4) Existing law establishes the State Parks Revenue Incentive Subaccount in the State Parks and Recreation Fund, and continuously appropriates funds in the subaccount to the Department of Parks and Recreation for activities, programs, and projects that are consistent with the mission of the department and that increase the department's capacity to generate revenue and implement a revenue generating program. Existing law requires that activities, programs, and projects funded by the subaccount include among, other things, a projection of costs, including design, planning, construction, operation, staff, maintenance, marketing, and information technology.

This bill would require a projection of costs to include that information only if appropriate.

(5) Existing law requires that, following classification or reclassification of a unit of the state park system by the State Park and Recreation Commission, and prior to the development of any new facilities in any previously classified unit, the Department of Parks and Recreation prepare a general plan or revise any existing plan for the unit in accordance with prescribed procedures.

This bill would require the department, in consultation with the commission, by ~~July 1, 2017~~, *January 1, 2018*, to provide the Legislature with specified recommendations for improving the state park planning and approval process, as prescribed.

~~(6) Existing law requires that a general plan for a unit of the state park system that is the subject of an operating agreement specifically evaluate and define the manner in which the unit is proposed to be operated and requires that the general plan be reviewed by the State Park and Recreation Commission for a determination that the unit will be operated in a manner that generally meets the standards followed by the Department of Parks and Recreation in its operation of similar units, as specified.~~

~~This bill would instead require that an operating agreement for operation of an entire park unit be consistent with the general plan for that unit of the park, if such a plan exists. The bill would require that the proposed operating agreement and general plan be reviewed by the commission for a determination that the unit will be operated in a manner that is consistent with the general plan and that generally meets standards followed by the department in its operation of similar units.~~

~~(7)~~

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2074.2 of the Fish and Game Code, as amended by Section 3 of Chapter 387 of the Statutes of 2013, is amended to read:

2074.2. (a) At the meeting scheduled pursuant to Section 2074, the commission shall hold a public hearing on the petition and shall receive information, written or otherwise, and oral testimony. After the conclusion of oral testimony from the commission and department staff, the petitioner, or any other persons, the commission may close the public hearing and administrative record for the commission's decision pursuant to this section.

(b) After the commission closes the public hearing, the administrative record for the commission's decision is closed and it shall not be reopened except as provided in subdivision (c). Once the public hearing is closed, no person shall submit further information to the commission for consideration on that petition and the commission shall not accept any further information for consideration on that petition except as provided in subdivision (c).

(c) The administrative record for the commission's decision pursuant to this section shall not be reopened once the commission closes the public hearing unless one of the following occurs prior to the commission's decision:

(1) There is a change in state or federal law or regulation that has a direct and significant impact on the commission's determination as to whether the petition provides sufficient information to indicate that the petitioned action may be warranted.

(2) The commission determines that it requires further information to evaluate whether the petition provides sufficient information to indicate that the petitioned action may be warranted. If the commission makes that determination during its deliberation, the commission may request, on the record at the scheduled meeting or at a continued meeting, further information on any issue relevant to making its determination as to whether the petition provides sufficient information to indicate that the petitioned action may be warranted. Any request by the commission pursuant to this paragraph shall specify a date by which the information must be submitted to the commission and shall serve to reopen the administrative record for the limited purpose of receiving further

1 information relating to the issues specified by the commission in  
2 the request. Commission and department staff, the petitioner, or  
3 any other person may submit information in response to a request  
4 pursuant to this paragraph. If the commission reopens the record  
5 pursuant to this paragraph, it shall provide an opportunity for public  
6 comment on the submitted information prior to the issuance of its  
7 decision.

8 (d) In its discretion, the commission may either close the public  
9 hearing and continue the meeting on the petition for the purpose  
10 of deliberation or continue both the public hearing and the meeting  
11 on the petition to a subsequent date, which shall be no later than  
12 90 days after the meeting scheduled pursuant to Section 2074, and  
13 subject to applicable notice and agenda requirements. If the  
14 commission closes the public hearing but continues the meeting  
15 for the purpose of deliberation, a person shall not submit, and the  
16 commission shall not receive, further information relating to the  
17 petition except as provided in subdivision (c).

18 (e) At the meeting scheduled pursuant to Section 2074 or at a  
19 continued meeting scheduled pursuant to subdivision (d), the  
20 commission shall consider the petition, the department's written  
21 report, written comments received, and oral testimony provided  
22 during the public hearing, and the commission shall make and  
23 enter in its record one of the following findings:

24 (1) If the commission finds that the petition does not provide  
25 sufficient information to indicate that the petitioned action may  
26 be warranted, the commission shall publish a notice of finding that  
27 the petition is rejected, including the reasons why the petition is  
28 not sufficient.

29 (2) If the commission finds that the petition provides sufficient  
30 information to indicate that the petitioned action may be warranted,  
31 the commission shall publish a notice of finding that the petition  
32 is accepted for consideration. If the accepted petition recommends  
33 the addition of a species to either the list of endangered species or  
34 the list of threatened species, the commission shall include in the  
35 notice that the petitioned species is a candidate species. The  
36 commission shall maintain a list of species which are candidate  
37 species.

38 (f) The commission shall publish and distribute the findings  
39 relating to the petition pursuant to Section 2078.

1 SEC. 2. Section 2074.2 of the Fish and Game Code, as added  
2 by Section 4 of Chapter 387 of the Statutes of 2013, is repealed.

3 SEC. 3. Section 2074.6 of the Fish and Game Code, as amended  
4 by Section 5 of Chapter 387 of the Statutes of 2013, is amended  
5 to read:

6 2074.6. The department shall promptly commence a review of  
7 the status of the species concerned in the petition. Within 12  
8 months of the date of publication of a notice of acceptance of a  
9 petition for consideration pursuant to paragraph (2) of subdivision  
10 (e) of Section 2074.2, the department shall produce and make  
11 publicly available on the department's Internet Web site a final  
12 written peer reviewed report, based upon the best scientific  
13 information available to the department, which indicates whether  
14 the petitioned action is warranted, which includes a preliminary  
15 identification of the habitat that may be essential to the continued  
16 existence of the species, and which recommends management  
17 activities and other recommendations for recovery of the species.  
18 Prior to releasing the final written report, the department shall have  
19 a draft status review report prepared and independently peer  
20 reviewed, and upon receiving the peer reviewers' input, shall  
21 evaluate and respond in writing to the independent peer review  
22 and shall amend the draft status review report as appropriate. The  
23 revised report shall be posted on the department's Internet Web  
24 site for a minimum of 30 days for public review prior to the hearing  
25 scheduled pursuant to Section 2075. The commission may grant  
26 an extension of up to six months if the director determines an  
27 extension is necessary to complete independent peer review of the  
28 report, and to provide a minimum of 30 days for public review of  
29 the peer reviewed report prior to the public hearing specified in  
30 Section 2075.

31 SEC. 4. Section 2074.6 of the Fish and Game Code, as added  
32 by Section 6 of Chapter 387 of the Statutes of 2013, is repealed.

33 SEC. 5. Section 2074.8 of the Fish and Game Code, as amended  
34 by Section 7 of Chapter 387 of the Statutes of 2013, is amended  
35 to read:

36 2074.8. This article does not impose any duty or obligation  
37 for, or otherwise require, the commission or the department to  
38 undertake independent studies or other assessments of any species  
39 when reviewing a petition and its attendant documents and  
40 comments. However, the department shall seek independent

1 scientific peer review of the department's status report. The director  
2 may approve an extension of time for completion of the status  
3 report if necessary for the purposes of obtaining independent peer  
4 review pursuant to Section 2074.6.

5 SEC. 6. Section 2074.8 of the Fish and Game Code, as added  
6 by Section 8 of Chapter 387 of the Statutes of 2013, is repealed.

7 SEC. 7. Section 2075.5 of the Fish and Game Code, as amended  
8 by Section 9 of Chapter 387 of the Statutes of 2013, is amended  
9 to read:

10 2075.5. (a) At the meeting scheduled pursuant to Section 2075,  
11 the commission shall hold a public hearing on the petition and  
12 shall receive information, written or otherwise, and oral testimony.  
13 After the conclusion of oral testimony from *the commission and*  
14 department staff, the petitioner, or any other persons, the  
15 commission may close the public hearing and the administrative  
16 record for the ~~department's~~ *commission's* decision pursuant to this  
17 section.

18 (b) After the commission closes the public ~~hearing~~ *hearing*, the  
19 administrative record for the commission's decision is closed and  
20 it shall not be reopened except as provided in subdivision (c). Once  
21 the public hearing is ~~closed~~ *closed*, a person shall not submit further  
22 information to the ~~department~~ *commission* for consideration on  
23 that petition and the commission shall not accept any further  
24 information for consideration on that petition except as provided  
25 in subdivision (c).

26 (c) The administrative record for the commission's decision  
27 pursuant to this section shall not be reopened once the ~~department~~  
28 *commission* closes the public hearing unless one of the following  
29 occurs prior to the commission's decision:

30 (1) There is a change in state or federal law or regulation that  
31 has a direct and significant impact on the commission's  
32 determination as to whether the petitioned action is warranted.

33 (2) The commission determines that it requires further  
34 information to evaluate whether the petitioned action is warranted.  
35 If the commission makes that determination during its deliberation,  
36 the commission may request, on the record at the scheduled  
37 meeting or at a continued meeting, further information on any  
38 issue relevant to making its determination as to whether the  
39 petitioned action is warranted. Any request by the commission  
40 pursuant to this paragraph shall specify a date by which the

1 information must be submitted to the commission and shall serve  
2 to reopen the administrative record for the limited purpose of  
3 receiving further information relating to the issues specified by  
4 the commission in the request. Commission and department staff,  
5 the petitioner, or any other person may submit information in  
6 response to a request pursuant to this paragraph.

7 (d) The commission, in its discretion, may either close the public  
8 hearing and continue the meeting on the petition for the purpose  
9 of deliberation or continue both the public hearing and the meeting  
10 on the petition to a subsequent date which is no later than 90 days  
11 after the meeting scheduled pursuant to Section 2075, and subject  
12 to applicable notice and agenda requirements. If the commission  
13 closes the public hearing but continues the meeting for the purpose  
14 of deliberation, a person shall not submit, and the commission  
15 shall not receive, further information relating to the petition except  
16 as provided in subdivision (c).

17 (e) At the meeting scheduled pursuant to Section 2075, or at a  
18 continued meeting scheduled pursuant to subdivision (d), the  
19 commission shall make one of the following findings:

20 (1) The petitioned action is not warranted, in which case the  
21 finding shall be entered in the public records of the commission  
22 and the petitioned species shall be removed from the list of  
23 candidate species maintained pursuant to Section 2074.2.

24 (2) The petitioned action is warranted, in which case the  
25 commission shall publish a notice of that finding and a notice of  
26 proposed rulemaking pursuant to Section 11346.4 of the  
27 Government Code, to add the species to, or remove the species  
28 from, the list of endangered species or the list of threatened species.  
29 Further proceedings of the commission on the petitioned action  
30 shall be made in accordance with Chapter 3.5 (commencing with  
31 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
32 Code.

33 SEC. 8. Section 2075.5 of the Fish and Game Code, as added  
34 by Section 10 of Chapter 387 of the Statutes of 2013, is repealed.

35 SEC. 9. Section 2301 of the Fish and Game Code is amended  
36 to read:

37 2301. (a) (1) Except as authorized by the department, a person  
38 shall not possess, import, ship, or transport in the state, or place,  
39 plant, or cause to be placed or planted in any water within the state,  
40 dreissenid mussels.



1 (2) The director or his or her designee may do all of the  
2 following:

3 (A) Conduct inspections of conveyances, which include vehicles,  
4 boats and other watercraft, containers, and trailers, that may carry  
5 or contain adult or larval dreissenid mussels. Included as part of  
6 this authority to conduct inspections is the authority to temporarily  
7 stop conveyances that may carry or contain adult or larval  
8 dreissenid mussels on any roadway or waterway in order to conduct  
9 inspections.

10 (B) Order that areas in a conveyance that contain water be  
11 drained, dried, or decontaminated pursuant to procedures approved  
12 by the department.

13 (C) Impound or quarantine conveyances in locations designated  
14 by the department for up to five days or the period of time  
15 necessary to ensure that dreissenid mussels can no longer live on  
16 or in the conveyance.

17 (D) (i) Conduct inspections of waters of the state and facilities  
18 located within waters of the state that may contain dreissenid  
19 mussels. If dreissenid mussels are detected or may be present, the  
20 director or his or her designee may order the affected waters or  
21 facilities closed to conveyances or otherwise restrict access to the  
22 affected waters or facilities, and shall order that conveyances  
23 removed from, or introduced to, the affected waters or facilities  
24 be inspected, quarantined, or disinfected in a manner and for a  
25 duration necessary to detect and prevent the spread of dreissenid  
26 mussels within the state.

27 (ii) For the purpose of implementing clause (i), the director or  
28 his or her designee shall order the closure or quarantine of, or  
29 restrict access to, these waters, areas, or facilities in a manner and  
30 duration necessary to detect and prevent the spread of dreissenid  
31 mussels within the state. No closure, quarantine, or restriction shall  
32 be authorized by the director or his or her designee without the  
33 concurrence of the Secretary of the Natural Resources Agency. If  
34 a closure lasts longer than seven days, the department shall update  
35 the operator of the affected facility every 10 days on efforts to  
36 address the dreissenid infestation. The department shall provide  
37 these updates in writing and also post these updates on the  
38 department's Internet Web site in an easily accessible manner.

39 (iii) The department shall develop procedures to ensure proper  
40 notification of affected local and federal agencies, and, as

1 appropriate, the Department of Water Resources, the Department  
2 of Parks and Recreation, and the State Lands Commission in the  
3 event of a decision to close, quarantine, or restrict a facility  
4 pursuant to this paragraph. These procedures shall include the  
5 reasons for the closure, quarantine, or restriction, and methods for  
6 providing updated information to those affected. These procedures  
7 shall also include protocols for the posting of the notifications on  
8 the department's Internet Web site required by clause (ii).

9 (iv) When deciding the scope, duration, level, and type of  
10 restrictions, and specific location of a closure or quarantine, the  
11 director shall consult with the agency, entity, owner, or operator  
12 with jurisdiction, control, or management responsibility over the  
13 marina, boat launch facility, or other facility, in order to focus the  
14 closure or quarantine to specific areas and facilities so as to avoid  
15 or minimize disruption of economic or recreational activity in the  
16 vicinity.

17 (b) (1) Upon a determination by the director that it would further  
18 the purposes of this section, other state agencies, including, but  
19 not limited to, the Department of Parks and Recreation, the  
20 Department of Water Resources, the Department of Food and  
21 Agriculture, and the State Lands Commission, may exercise the  
22 authority granted to the department in subdivision (a).

23 (2) A determination made pursuant to paragraph (1) shall be in  
24 writing and shall remain in effect until withdrawn, in writing, by  
25 the director.

26 (c) (1) Except as provided in paragraph (2), Division 13  
27 (commencing with Section 21000) of the Public Resources Code  
28 does not apply to the implementation of this section.

29 (2) An action undertaken pursuant to subparagraph (B) of  
30 paragraph (2) of subdivision (a) involving the use of chemicals  
31 other than salt or hot water to decontaminate a conveyance or a  
32 facility is subject to Division 13 (commencing with Section 21000)  
33 of the Public Resources Code.

34 (d) (1) A public or private agency that operates a water supply  
35 system shall cooperate with the department to implement measures  
36 to avoid infestation by dreissenid mussels and to control or  
37 eradicate any infestation that may occur in a water supply system.  
38 If dreissenid mussels are detected, the operator of the water supply  
39 system, in cooperation with the department, shall prepare and  
40 implement a plan to control or eradicate dreissenid mussels within

1 the system. The approved plan shall contain the following  
2 minimum elements:

3 (A) Methods for delineation of infestation, including both adult  
4 mussels and veligers.

5 (B) Methods for control or eradication of adult mussels and  
6 decontamination of water containing larval mussels.

7 (C) A systematic monitoring program to determine any changes  
8 in conditions.

9 (D) The requirement that the operator of the water supply system  
10 permit inspections by the department as well as cooperate with the  
11 department to update or revise control or eradication measures in  
12 the approved plan to address scientific advances in the methods  
13 of controlling or eradicating mussels and veligers.

14 (2) If the operator of water delivery and storage facilities for  
15 public water supply purposes has prepared, initiated, and is in  
16 compliance with all the elements of an approved plan to control  
17 or eradicate dreissenid mussels in accordance with paragraph (1),  
18 the requirements of subdivision (a) do not apply to the operation  
19 of those water delivery and storage facilities, and the operator is  
20 not subject to any civil or criminal liability for the introduction of  
21 dreissenid mussel species as a result of those operations. The  
22 department may require the operator of a facility to update its plan,  
23 and if the plan is not updated or revised as described in  
24 subparagraph (D) of paragraph (1), subdivision (a) shall apply to  
25 the operation of the water delivery and storage facilities covered  
26 by the plan until the operator updates or revises the plan and  
27 initiates and complies with all of the elements of the updated or  
28 revised plan.

29 (e) Any entity that discovers dreissenid mussels within this state  
30 shall immediately report the discovery to the department.

31 (f) (1) In addition to any other penalty provided by law, any  
32 person who violates this section, violates any verbal or written  
33 order or regulation adopted pursuant to this section, or who resists,  
34 delays, obstructs, or interferes with the implementation of this  
35 section, is subject to a penalty, in an amount not to exceed one  
36 thousand dollars (\$1,000), that is imposed administratively by the  
37 department.

38 (2) A penalty shall not be imposed pursuant to paragraph (1)  
39 unless the department has adopted regulations specifying the

1 amount of the penalty and the procedure for imposing and  
2 appealing the penalty.

3 (g) The department may adopt regulations to carry out this  
4 section.

5 (h) Pursuant to Section 818.4 of the Government Code, the  
6 department and any other state agency exercising authority under  
7 this section shall not be liable with regard to any determination or  
8 authorization made pursuant to this section.

9 (i) This section shall remain in effect only until January 1, 2020,  
10 and as of that date is repealed, unless a later enacted statute, that  
11 is enacted before January 1, 2020, deletes or extends that date.

12 SEC. 10. Section 5002.2 of the Public Resources Code is  
13 amended to read:

14 5002.2. (a) (1) Following classification or reclassification of  
15 a unit by the State Park and Recreation Commission, and prior to  
16 the development of any new facilities in any previously classified  
17 unit, the department shall prepare a general plan or revise any  
18 existing plan for the unit.

19 (2) The general plan shall consist of elements that will evaluate  
20 and define the proposed land uses, facilities, concessions, operation  
21 of the unit, any environmental impacts, and the management of  
22 resources, and shall serve as a guide for the future development,  
23 management, and operation of the unit.

24 (3) The general plan constitutes a report on a project for the  
25 purposes of Section 21100. The general plan for a unit shall be  
26 submitted by the department to the State Park and Recreation  
27 Commission for approval.

28 (b) The resource element of the general plan shall evaluate the  
29 unit as a constituent of an ecological region and as a distinct  
30 ecological entity, based upon historical and ecological research of  
31 plant-animal and soil-geological relationships and shall contain a  
32 declaration of purpose, setting forth specific long-range  
33 management objectives for the unit consistent with the unit's  
34 classification pursuant to Article 1.7 (commencing with Section  
35 5019.50), and a declaration of resource management policy, setting  
36 forth the precise actions and limitations required for the  
37 achievement of the objectives established in the declaration of  
38 purpose.

39 (c) Notwithstanding subdivision (a), the department is not  
40 required to prepare a general plan for a unit that has no general

1 plan or to revise an existing plan if the only development  
2 contemplated by the department consists of the repair, replacement,  
3 or rehabilitation of an existing facility; the construction of a  
4 temporary facility, if the construction does not result in the  
5 permanent commitment of a resource of the unit; any undertaking  
6 necessary for the protection of public health or safety; or any  
7 emergency measure necessary for the immediate protection of  
8 natural or cultural resources; or any combination of these activities  
9 at a single unit. Any development is subject to the requirements  
10 of the California Environmental Quality Act (Division 13  
11 (commencing with Section 21000)).

12 (d) Notwithstanding subdivision (a), the department is not  
13 required to prepare a general plan or revise an existing plan for a  
14 unit to which new development is necessary to comply with public  
15 service delivery obligations, operational or code compliance  
16 upgrades, or resource preservation requirements that are compatible  
17 with the classification of the unit. The department may instead  
18 prepare a management or development plan with appropriate  
19 environmental review and analysis.

20 (e) Consistent with good planning and sound resource  
21 management, the department shall, in discharging its  
22 responsibilities under this section, attempt to make units of the  
23 state park system accessible and usable by the general public at  
24 the earliest opportunity.

25 (f) The department may prepare a general plan that includes  
26 more than one unit of the state park system for units that are in  
27 close proximity to one another and that have similar resources and  
28 recreational opportunities if that action will facilitate the protection  
29 of public resources and public access to units of the state park  
30 system.

31 (g) The department, in consultation with the State Park and  
32 Recreation Commission, by ~~July 1, 2017~~, *January 1, 2018*, shall  
33 provide the Legislature with recommendations for improving the  
34 state park planning and approval process ~~that will do all of the~~  
35 ~~following:~~ *to help achieve the following goals:*

36 (1) Provide for more efficient and cost-effective development,  
37 approval, and timely updates of park unit general plans, including  
38 through the use of multi-unit general plans where appropriate.

39 ~~(2) Facilitate clear guidance for management direction of the~~  
40 ~~relevant park units.~~

1     ~~(3)~~  
2     (2) Provide for ~~meaningful~~ public participation in the  
3 development and update of park general plans and related planning  
4 documents.

5     ~~(4)~~  
6     (3) ~~Reduce redundant~~ *Streamline* reviews carried out pursuant  
7 to the California Environmental Quality Act (Division 13  
8 (commencing with Section 21000)) and other applicable statutes.

9     ~~(5)~~  
10    (4) Enable the department to ~~substantially~~ reduce, by ~~2020~~,  
11 2025, the current backlog of *general* plans to be developed for  
12 parks that currently lack a general plan or that have an existing  
13 *general* plan that is more than ~~15~~ 25 years old and requires  
14 significant revision to address pressing public access and resource  
15 management issues.

16    SEC. 11. Section 5009.1 of the Public Resources Code is  
17 amended to read:

18    5009.1. (a) (1) The department may enter into an agreement  
19 to accept funds from any person, educational institution, tribal  
20 government, corporation or other business entity, or organization  
21 for the maintenance, operation, restoration, repair, development,  
22 improvement, or enhancement of a designated state park system  
23 unit or facility, or for research, educational, interpretive,  
24 recreational, or visitor services provided on or for a designated  
25 state park system unit or facility. Any funds so received shall be  
26 deposited in a separate account in the State Park Contingent Fund.  
27 The funds received shall supplement, but not replace, existing  
28 resources for the maintenance, operation, restoration, repair,  
29 development, improvement, or enhancement of the unit or facility,  
30 or for establishing or enhancing park services provided to visitors.  
31 The department and the sponsoring or donating person, entity,  
32 government, or organization shall specify in the agreement the  
33 level of service that is to be performed.

34    ~~(2) For each donation received and deposited into a separate~~  
35 ~~account in the State Park Contingent Fund pursuant to paragraph~~  
36 ~~(1), the department shall provide the donor of record a written~~  
37 ~~quarterly accounting of all expenditures made from the donated~~  
38 ~~funds until all of the donated funds have been expended.~~

39    (2) *Each agreement entered into pursuant to paragraph (1)*  
40 *shall include a provision requiring the department to provide to*

1 *the signatory of the agreement or his or her designee an accounting*  
2 *of all expenditures made from the donated funds until all of the*  
3 *donated funds have been expended. The accountings shall be*  
4 *provided on a quarterly basis unless a different frequency is agreed*  
5 *to by the parties to the agreement.*

6 (b) The department may enter into an agreement to accept from  
7 any person, educational institution, tribal government, corporation  
8 or other business entity, or organization services for the cleanup,  
9 repair, development, improvement, restoration, or enhancement  
10 of any designated state park system unit or facility, or for research,  
11 educational, interpretive, recreational, or visitor services provided  
12 on or for a state park system unit or facility. Under the direction  
13 of the department, these services shall supplement, but not replace,  
14 existing staff resources for the purpose of enhancing the  
15 maintenance and operation of the unit or facility or for establishing  
16 or enhancing park services provided to visitors.

17 (c) The director may authorize the erection of an appropriate  
18 sign in recognition of a donation or sponsorship provided in  
19 accordance with this section, consistent with existing law and with  
20 the rules and regulations of the department regarding signs in units  
21 of the state park system.

22 (d) The department may provide free or reduced-cost access to,  
23 and use of, park facilities to entities that have entered into  
24 agreements as described in this section, if the public benefit to be  
25 provided pursuant to the agreement exceeds or is of comparable  
26 value, as determined by the department, to the access to or use of  
27 park facilities granted.

28 SEC. 12. Section 5010.6 of the Public Resources Code is  
29 amended to read:

30 5010.6. (a) For purposes of this section, “subaccount” means  
31 the State Parks Revenue Incentive Subaccount created pursuant  
32 to this section.

33 (b) The State Parks Revenue Incentive Subaccount is hereby  
34 created within the State Parks and Recreation Fund and the  
35 Controller shall annually transfer four million three hundred forty  
36 thousand dollars (\$4,340,000) from the State Parks and Recreation  
37 Fund to the subaccount.

38 (c) Notwithstanding Section 13340 of the Government Code,  
39 the funds in the subaccount are hereby continuously appropriated  
40 to the department for activities, programs, and projects, including,

1 but not limited to, capital outlay projects, that are consistent with  
2 the mission of the department and that increase the department's  
3 capacity to generate revenue and to implement the revenue  
4 generation program developed pursuant to Section 5010.7.  
5 Expenditures from the subaccount may include expenditures for  
6 staffing entry points, including department employees, seasonal  
7 employees, state and local conservation corps, individuals qualified  
8 pursuant to Chapter 0908 of the Department Operations Manual,  
9 and employees of organizations with agreements with state parks  
10 pursuant to Sections 513, 5009.1, 5009.3, and 5080. Activities,  
11 programs, and projects funded by the subaccount shall each include  
12 all of the following:

- 13 (1) A clear description of the proposed use of funds.
- 14 (2) A timeframe for implementation of the activity, program,  
15 or project.
- 16 (3) A projection of revenues, including annual income, fees,  
17 and projected usage rates.
- 18 (4) A projection of costs, including, if appropriate, design,  
19 planning, construction, operation, staff, maintenance, marketing,  
20 and information technology.
- 21 (5) A market analysis demonstrating demand for the activity,  
22 project, or program.
- 23 (6) A projected rate of return on the investment.
- 24 (d) The Office of State Audits and Evaluations shall review the  
25 activities, programs, and projects funded from the subaccount  
26 pursuant to subdivision (c) to ensure appropriate internal controls  
27 are in place. The department shall reimburse the Office of State  
28 Audits and Evaluations from the subaccount for any costs related  
29 to the review.
- 30 (e) The revenue generated from activities, programs, and projects  
31 funded by the subaccount are continuously appropriated for  
32 expenditure by the department pursuant to subdivisions (c) and  
33 (d) of Section 5010.7.
- 34 (f) The funds in the subaccount shall be available for  
35 encumbrance and expenditure until June 30, 2019, and for  
36 liquidation until June 30, 2021.
- 37 (g) This section shall become inoperative on June 30, 2021,  
38 and, as of January 1, 2022, is repealed, unless a later enacted  
39 statute, that becomes operative on or before January 1, 2022,



1 deletes or extends the dates on which it becomes inoperative and  
2 is repealed.

3 ~~SEC. 13. Section 5080.31 of the Public Resources Code is~~  
4 ~~amended to read:~~

5 ~~5080.31. (a) An operating agreement for the operation of an~~  
6 ~~entire park that is entered into pursuant to this article shall be~~  
7 ~~consistent with the general plan for that unit of the park system,~~  
8 ~~if such a plan exists. The proposed operating agreement and general~~  
9 ~~plan shall be reviewed by the commission for a determination that~~  
10 ~~the unit will be operated in a manner that is consistent with the~~  
11 ~~general plan and generally meets the standards followed by the~~  
12 ~~department in its operation of similar units, that enhances the~~  
13 ~~general public use and enjoyment of, and recreational and~~  
14 ~~educational experiences at, the unit, and that provides for the~~  
15 ~~satisfactory management of park resources.~~

16 ~~(b) The general plan for a unit that is the subject of an agreement~~  
17 ~~entered into pursuant to this article may be prepared either by the~~  
18 ~~department or by the public agency that is to operate the unit~~  
19 ~~pursuant to the agreement.~~

20 ~~SEC. 14.~~

21 *SEC. 13.* No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.